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15 UNITED STATES DISTRICT COURT  
16 FOR THE EASTERN DISTRICT  
17 OF WASHINGTON

18 EQUAL EMPLOYMENT  
19 OPPORTUNITY COMMISSION,

20 Plaintiff

21 v.

22 BHW1, L.L.C.,

23 Defendant.

24 CIVIL ACTION NO. CV-07-302-FVS

25 COMPLAINT

JURY TRIAL DEMAND

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NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of sex/pregnancy and to provide appropriate relief to Andrea Weitz. The Equal Employment Opportunity Commission alleges that defendant subjected Ms. Weitz to disparate treatment when it terminated her employment on the basis of her sex/pregnancy. Plaintiff seeks monetary relief, including pecuniary and nonpecuniary compensatory and punitive damages and injunctive relief, on behalf of Ms. Weitz.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to sections 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. sections 2000e-5(f)(1) and (3) ("Title VII"), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. §1981a.

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Eastern District of Washington.

PARTIES

3. Plaintiff, the Equal Employment Opportunity Commission (the "Commission"), is the agency of the United States of America charged with the administration, interpretation and enforcement of Title VII, and is expressly authorized to bring this action by Section 706(f)(1) of Title VII, 42 U.S.C. §2000e-5(f)(1).

4. At all relevant times, defendant BHW1, L.L.C. ("BHW1"), has been a corporation continuously doing business in the State of Washington and has continuously had at least 15 employees.

5. At all relevant times, defendant BHW1 has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§2000e-(b), (g) and (h).

STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this lawsuit, Ms. Weitz filed a charge with the Commission alleging violations of Title VII by defendant BHW1. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. On or about November 15, 2006, defendant BHW1 engaged in unlawful employment practices in violation of §§ 703(a) of Title VII, 42 U.S.C. §§

1 2000e-2(a) when it terminated Ms. Weitz's employment because of her  
2 sex/pregnancy.

3 8. The effect of the practices complained of in paragraph 7 above has  
4 been to deprive Ms. Weitz of equal employment opportunities.  
5

6 9. The unlawful employment practices complained of in paragraph 7  
7 above were intentional.  
8

9 10. The unlawful employment practices complained of in paragraph 7  
10 above were done with malice or with reckless indifference to Ms. Weitz's federally  
11 protected rights.  
12

13 PRAYER FOR RELIEF

14 Wherefore, the Commission respectfully requests that this Court:

15 A. Grant a permanent injunction enjoining defendant, its officers,  
16 successors, agents, assigns, and all persons in active concert or participation with  
17 it, from engaging in any employment practices which discriminate on the basis of  
18 sex/pregnancy.  
19

20 B. Order defendant to institute and carry out policies, practices, and  
21 programs which provide equal employment opportunities for all employees, and  
22 which eradicate the effects of its past and present unlawful employment practices.  
23  
24  
25

1 C. Order defendant to make whole Ms. Weitz by providing appropriate  
2 back pay with prejudgment interest, in amounts to be determined at trial, and other  
3 affirmative relief necessary to eradicate the effects of its unlawful employment  
4 practices.  
5

6 D. Order defendant to make whole Ms. Weitz by providing compensation  
7 for past and future pecuniary losses resulting from the unlawful employment  
8 practices described in paragraph 7 above, including past and future out-of-pocket  
9 expenses, in amounts to be determined at trial.  
10

11 E. Order defendant to make whole Ms. Weitz by providing compensation  
12 for past and future nonpecuniary losses resulting from the unlawful practices  
13 complained of in paragraph 7 above, including without limitation emotional pain,  
14 suffering, and loss of enjoyment of life, in amounts to be determined at trial.  
15  
16

17 F. Order defendant to pay Ms. Weitz punitive damages for its malicious  
18 and reckless conduct described in paragraph 7 above, in amounts to be determined  
19 at trial.  
20

21 G. Grant such further relief as the Court deems necessary and proper in  
22 the public interest.  
23

24 H. Award the Commission its costs of this action.  
25

JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its complaint.

DATED this 26th day of September, 2007.

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